No. 84-495

IN THE
SUPREME COURT OF THE UNITED STATES
OCTOBER TERM 1984

RICHARD THORNBURGH

v.

AMERICAN COLLEGE OF OBSTETRICIANS AND GYNECOLOGISTS, PENNSYLVANIA SECTION

ON APPEAL FROM THE UNITED STATES COURT OF APPEALS FOR THE THIRD CIRCUIT

MOTION FOR LEAVE TO FILE BRIEF AMICUS CURIAE, WITH BRIEF AMICUS CURIAE, BY THE LEGAL DEFENSE FUND FOR UNBORN CHILDREN

ALAN ERNEST
P.O. BOX 2471
WASHINGTON, D.C. 20013
(703) 435-1460

Counsel

64 pp

MOTION FOR LEAVE TO FILE BRIEF AMICUS CURIAE BY THE LEGAL DEFENSE FUND FOR UNBORN CHILDREN

The Court is moved for leave to file the attached brief amicus curiae by The Legal Defense Fund for Unborn Children.

The amicus brief is not in support of either party. The purpose of the amicus brief is to defend the constitutional right to life of the unborn, which the parties have not done.

The amicus demonstrates that Roe v. Wade, 410 U.S. 113 (1973) is a mistake of law.

Although amicus addresses no arguments to the issues raised by the parties, the facts and authorities presented by the amicus disposes of all the issues raised by the parties.

Alan Ernest
Counsel

CONTENTS

TABLE OF AUTHORITIES

Cases:

Texts:

IN THE SUPREME COURT OF THE UNITED STATES
October Term 1984

RICHARD THORNBURGH

v.

AMERICAN COLLEGE OF OBSTETRICIANS AND
GYNECOLOGISTS, PENNSYLVANIA SECTION

AMICUS CURIAE BRIEF BY THE LEGAL DEFENSE
FUND FOR UNBORN CHILDREN

INTEREST OF AMICUS CURIAE

The interest of the Legal Defense Fund For Unborn Children is to defend the right to life of unborn children under the U.S. Constitution. The parties have not done this. This brief does not support either party.

SUMMARY OF ARGUMENT

Roe v. Wade, 410 U.S. 113 (1973), is void. It is no law at all.

In Roe v. Wade, the Court decreed: "MASS MURDER IS LIBERTY." This is the ultimate lawless act. In his novel, "1984," Orwell described how a tyranny defrauded its

subjects into obedience with the "doublethink" slogan, "FREEDOM IS SLAVERY." Although this science fiction may appear improbable, the Supreme Court has defrauded this nation into obedience with the ultimate fraud, "MASS MURDER IS LIBERTY."

And due process of law has compelled the U.S. Supreme Court to admit in court that Roe v. Wade is void. This is the legal equivalent of the express overruling of Roe v. Wade by the Supreme Court.

Moreover, the universal words "any person," as used in the Fifth and Fourteenth Amendments to the U.S. Constitution, do include the unborn.

Roe v. Wade must be expressly overruled, so this national scheme of criminal extermination in violation of the U.S. Constitution can be stopped. This disposes of all the issues raised by the parties.

ARGUMENT

I.

ROE v. WADE IS VOID, BECAUSE THE SUPREME COURT HITLER-LIKE DECREED KILLINGS TO BE "LIBERTY" WHICH HAD BEEN DEMOCRATICALLY DEFINED TO BE "MURDER." THE DECREE THAT "MASS MURDER IS LIBERTY" IS THE ULTIMATE LAWLESS JUDICIAL ACT.

In Roe v. Wade, the Supreme Court decreed killings to be "liberty" which had been democratically defined to be "murder" since long before adoption of the Fourteenth Amendment.[1]

1./ When the Fourteenth Amendment was adopted, an abortion was murder if the child was "born alive." And a child could be "born alive" long before viability.

A. The English Common Law

The English common law, as stated in the works of Coke, (3 Inst. 50), Hawkins, (1 Hawkins Ch. 13, s. 16) and Blackstone, (4 Bl. Com. 198) defined an abortion, in which a "quick" child died after being "born alive," to be "murder."

Thus, under the common law, an abortion of an unviable child, a child too immature to survive outside the womb, who died after being born alive, was "so horrible an offense" and "this is murder." 3 Inst. 50.

Regina v. West, 2 C & K 784 (1848) followed Coke, Hawkins, and Blackstone, and ruled that an abortion was murder if the child

In 1857, the American Medical Association began a two year study of all the abortion laws in the United States. The 1859 report stated the law of murder throughout the United States, as follows:

> "If a person, intending to procure abortion, does an act which causes the child to be born earlier than its natural time, and therefore in a state much less capable of living, and it afterwards die in consequence of such premature exposure, the person who by this misconduct brings the child into the world, and puts it in a situation in which it cannot live, is guilty of murder." Reported in A.S. Taylor, infra page 7, at 462. (emphasis added)

---

was born alive, even though the child died because it was too immature to survive outside the womb.

The indictment for murder alleged that the defendant had inserted a "certain pin ... upward into the womb" of a pregnant woman for the purpose of producing the abortion of a "quick" child; and that this resulted in the child being "prematurely born and brought forth alive from and out of the womb." Regina v. West, 2 C & K at 784-85. The child died shortly afterward. A "medical witness" had testified:

"[I]t was a healthy child; but that, being born at that period of gestation, it was impossible that it could live any

Yet, in 1973, this is the very killing which the U.S. Supreme Court decreed to be "liberty." See photo, infra A-1.

In the plainest terms, the U.S. Supreme Court decreed: "MASS MURDER IS LIBERTY."

---

considerable length of time separated from the womb of the mother. It was incapable of maintaining a separate and independent existence." Regina v. West, 2 C & K at 786.

The judge, relying on Coke and Blackstone, instructed the jury that if the child were "born alive," the abortion was murder, even though the child were not viable:

"The prisoner is charged with murder; and the means stated are, that the prisoner caused the premature delivery of the witness Hensen, by using some instrument for the purpose of procuring abortion; and that the child so prematurely born was, in consequence of its premature birth, so weak that it died.... I am of opinion (and I direct you in point of law), that if a person intending to procure abortion does an act which causes the child to be born so much earlier than the natural time, that it is born in a state much less capable of living, and afterwards dies in consequence of its exposure to the external world, the person who by her misconduct so brings the child into the world, and puts it thereby in a situation in which it cannot live, is guilty of murder." Regina v. West, 2 C & K at 788.

The case of Regina v. West, supra, was

Many people would be astonished to learn that this case for the unborn is the very case they would have to present for themselves if their own right to life were challenged in a federal court.

---

cited by the leading English writers as the correct statement of the law of murder. See, 1 J.F. Archbold, A Complete Treatise on Criminal Procedure, Pleading and Evidence 783 (Waterman Am. ed. 7th ed. 1860); 1 W.O. Russell, A Treatise on Crimes and Misdemeanors 671-672 (4th ed. 1865); A.S. Taylor, A Manual of Medical Jurisprudence 516 (Penrose Am. ed. 6th ed. 1866). An abortion which resulted in an unviable child being born alive was murder.

B. THE AMERICAN LAW OF MURDER IN 1868

The common law is the dictionary for the state and federal homicide statutes; American courts used it to construe the meaning of their murder statutes. Hamilton v. United States, 26 App. D.C. 382 (1905); Clarke v. State, 117 Ala. 1 (1898).

By the time the Fourteenth Amendment was adopted in 1868, the leading American legal authorities had specifically cited Regina v. West, supra, as the correct statement of the law of murder.

As Wharton explained the law, A Treatise on

For example, take almost any group of persons, such as the insane, or invalids, or Jews. Suppose it were claimed in federal court that it is "liberty" to deliberately kill members of these groups, as well as the unborn.

What factual, non-argumentative evidence

---

the Law of Homicide in the United States 93 (1855):

"If a person intending to procure abortion, does an act which causes a child to be born so much earlier than the natural time, that it is born in a state much less capable of living, and afterwards dies, in consequence of its exposure to the external world, the person who by this misconduct, so brings the child into the world, and puts it thereby in a situation in which it cannot live, is guilty of murder."

American authorities agreed that this was the correct statement of the law of murder. 2 J.P. Bishop, Commentaries on the Criminal Law 365 (4th ed. 1868); A.S. Taylor, Manual of Medical Jurisprudence 462, 517 (Penrose Am. ed. 6th ed. 1866). This was the uncontradicted view in the United States when the Fourteenth Amendment was adopted.

C. THE LAW OF MURDER AND THE MEANING OF THE FOURTEENTH AMENDMENT

If the people who framed and adopted the Fourteenth Amendment had condemned the taking of a crying infant from its mother's

could be found to establish their right to life under the U.S. Constitution?

As the case for the unborn shows, it would do no good to object that no one ever heard of a "liberty" to deliberately kill the insane, or invalids, or Jews - or to object that such killings had thereto been defined as criminal.

---

womb and leaving it to die, as murder, then it is certain that they did not intend to exclude the lives of these children from the protection of the Fourteenth Amendment so they could be deliberately killed with impunity from criminal statutes.

If the people who framed and adopted the Amendment had condemned the deliberate killing of Jews to be murder, it is certain that they did not intend to exclude Jews from the protection of the Constitution so it would be "liberty" to deliberately kill Jews with impunity from criminal statutes. Changing the names of the victims does not change the legal result.

But by seizing upon viability, the Supreme Court decreed the same killing to be "liberty" which the American people had universally defined to be "murder." It is a naked decree without any investigation whatever into the law of murder. In its ignorance, the Court decreed: "Mass Murder is Liberty."

Since the universal words "any person" in

And the Fifth and Fourteenth Amendments merely state that they protect the life of "any person." So, as with the unborn, the Amendments do not expressly refer to the insane, or invalids, or Jews; and their legislative histories do not appear to specifically refer to the insane, or invalids, or Jews.

---

the Fourteenth Amendment must include all persons whose lives were protected by the law of murder when the Amendment was adopted, the lives of these children were specifically guaranteed by the Amendment. And since personhood under the Constitution does not just fade away with time, like some magic disappearing ink, then the lives of these children are still protected by the Fourteenth Amendment. Roe v. Wade is void.

D. THE HYSTEROTOMY ABORTION UNDER ROE v. WADE

A common way to perform abortions under Roe v. Wade is by hysterotomy. Commonwealth v. Edelin, 359 N.E. 2d 4 (Mass. 1976). A hysterotomy is essentially a caesarean, in which a live but unviable child is taken from the womb and left to die. HEARINGS ON THE PROPOSED CONSTITUTIONAL AMENDMENTS ON ABORTION, BEFORE THE SUBCOMMITTEE ON CIVIL AND CONSTITUTIONAL RIGHTS OF THE COMMITTEE ON THE JUDICIARY, HOUSE OF REPRESENTATIVES,

As with the unborn, the murder laws don't expressly refer to the insane, or invalids, or Jews; and their legislative histories, to the extent they have any, do not appear to specifically refer to these groups.

The principle in the Declaration of

94th Cong., 2d Sess., Ser. 46, Part 1, at 391 (1976).

As established by medical testimony at these 1976 House abortion hearings, "With few exceptions, babies aborted by this method will all move, will all breathe, and some will cry.... Almost all were born alive." Id., at 397.

When the Fourteenth Amendment was adopted, these hysterotomy abortions were murder.

E. ROE v. WADE AND MISTAKE OF LAW

The constitutional provisions against ex post facto laws do not apply to judicial decisions which are a mistake of law. Ross v. Oregon, 227 U.S. 150, 161 (1913). And mistake of law is no excuse for breaking the law. R. Perkins, Criminal Law 920 (2d ed 1969). The limited affirmative defense of reasonable reliance on an official judicial opinion, thereafter determined to be a mistake of law, does not apply to homicide cases. Model Penal Code, Tentative Draft #4, Comments Sec. 2.04, at 138.

Since Roe v. Wade is a mistake of law, mass murder is being perpetrated in the United

Independence, that all people are "created" equal, and endowed with an unalienable right to life, having been sneered out of court in Roe v. Wade, now provides no assurance for anyone. The Court so perverted the Declaration of Independence as to amount to just this: "All men are created equal, except those created to be murdered for the convenience of others."

States under guise of law. The Roe v. Wade hysterotomy killings, by definition under the law of murder when the Fourteenth Amendment was adopted, and thus also constitutional law, violate the murder statutes throughout the United States.

The Supreme Court decreed mass murder to be liberty without any examination of the law of murder; it was a naked decree. And as Abraham Lincoln warned, "(I)t is an established maxim in morals that he who makes an assertion without knowing whether it is true or false, is guilty of falsehood; and the accidental truth of the assertion, does not justify or excuse him. 1 The Collected Works of Abraham Lincoln 384 (Basler ed. 1953). Since Lincoln's day, this "maxim in morals" has also been a textbook definition of perjury. 3 Wharton's Criminal Law and Procedure 673 (12th ed. 1957).

And year after year the U.S. Supreme Court has deliberately adhered to its decree that

So, what factual, non-argumentative evidence is there for the insane, or invalids, or Jews to protect themselves from a judicial decree that it is "liberty" to deliberately kill them with impunity from criminal statutes?

"Mass Murder is Liberty" in the very teeth of challenges that these children were being murdered in violation of the Constitution and laws of the United States, and of the States. See amicus curiae brief of The Legal Defense Fund for Unborn Children, filed in Akron v. Akron Center For Reproductive Health, 462 U.S. 416 (1983).

This is deliberation and premeditation unparalleled in the legal history of the world. The Justices responsible for these killing may be facing the death penalty in very many states.

It may be that the judges responsible for these murders did not believe that they were breaking the law. But, as Justice Oliver Wendell Holmes once wrote: "Ignorance of the law is no excuse for breaking it....It is no doubt true that there are many cases in which the criminal could not have known that he was breaking the law, but ... the lawmaker has determined to make men know and obey." O.W. Holmes, The Common Law 41 (Little Brown paperback 1963).

Roe v. Wade is not going to protect one

The case for the unborn is the case for many others; it is this same body of factual evidence which many people must ultimately rely upon to establish that their right to life is protected by the U.S. Constitution.

If the people who framed and adopted the Fourteenth Amendment had condemned the deliberate killing of Jews to be "murder," then it is certain that they did not intend to exclude the lives of Jews from the

---

single judge from the law of murder, because it is a mistake of law. Mass murder is not liberty. These children were murdered in violation of the Constitution and positive criminal statutes.

F. CONCLUSION

Is government of laws founded upon evidence, or the mere naked decrees of men holding office for life?

Since the U.S. Constitution is "the supreme law of the land," and the evidence proves that the lives of these children are protected by the U.S. Constitution, Roe v. Wade is void.

protection of the U.S. Constitution so it would be "liberty" to deliberately kill Jews with impunity from criminal statutes.

And merely changing the names of the victims would not change this conclusion.

Since the people who framed and adopted the Fourteenth Amendment had condemned the taking of a crying infant, whether viable or not, from its mother's womb and leaving it to die to be "murder," it is certain that the framers did not intend the Amendment to create a "liberty" to deliberately kill these children with impunity from criminal statutes. It is certain that the lives of these children are protected by the U.S. Constitution.

Since the right to life protected by the Constitution does not just disappear with time, as whitewash weathers off an aging fence, it is certain that the lives of these children are still protected by

the U.S. Constitution. And since the Constitution is the "supreme law of the land," it is certain that Roe v. Wade is void; it is not law.

The thousands of "born alive" abortions since 1973 can be prosecuted as murder.

If the Court had decreed it "liberty" to deliberately kill Jews, it would rightly be denounced as murder. Judges may have more sympathy for other victims, but changing the names of the victims from "Jew" to "unborn" will not change the legal result.

In his novel "1984," Orwell described how a tyranny defrauded its subjects into obedience with the "doublethink" slogan "FREEDOM IS SLAVERY." Although this science fiction appears improbable, yet, the U.S. Supreme Court has defrauded the American people into obedience with the ultimate falsehood: "MASS MURDER IS LIBERTY."

When judges decree that "MASS MURDER IS LIBERTY," then it can not be pretended that

it is any longer the government of the United States - or any government of constitution and laws.

Abraham Lincoln ridiculed the Dred Scott decision by reducing it to its plainest terms: "That if any one man, choose to enslave another, no third man shall be allowed to object."2 In Roe v. Wade, the Court invented an even more astonishing falsehood, "That If any one man, choose to murder another, no third man shall be allowed to object."

The U.S. Supreme Court has Hitler-like asserted to legalize mass murder. By

---

2./ 2 Collected Works of Abraham Lincoln 462 (Basler ed. 1953). In Dred Scott v. Sanford, 60 U.S. (19 How.) 393, 451 (1857), the U.S. Supreme Court held that the word "person," as used in the Constitution, did not include Negroes. While the Court did not assert a "liberty" to deliberately kill Negroes, the Court did rule that "the right to property in a slave is distinctly and expressly affirmed in the Constitution," and Congress could not prohibit slavery in the federal territories.

changing the names of the victims, the Court has duplicated the conduct of "the supreme judge" of Nazi Germany.[3]

The evidence shows that the U.S. Supreme Court is committing mass murder under the guise of law; the dagger of the assassin has been concealed beneath the robe of the jurist. Roe v. Wade is void.

3./ The Nuremberg court described how Hitler was "the supreme judge" of Nazi Germany. United States v. Altstoetter, 3 Trials of War Criminals Before the Nuernberg Military Tribunals 1011 (1951). This "supreme judge" decreed deliberate killings to be legal which had been defined as criminal. At Nuremberg, the Nazi judges claimed that they could not be held accountable for complicity in extermination and murder, since they had acted within the authority of the decrees of "the supreme judge." United States v. Altstoetter, supra, 983-85. But the Nuremberg Court held, "The dagger of the assassin was concealed beneath the robe of the jurist." United States v. Altstoetter, supra, 985.

By changing the name of the victims from "Jew" to "unborn," the Supreme Court has duplicated the decree of "the supreme judge" of Nazi Germany. But changing the name of the victims will not change the legal result. Roe v. Wade is murder.

II.

ROE v. WADE IS VOID BECAUSE THE COURT USED F.\LSE EVIDENCE, AND UNCONSTITUTIONAL BURDENS OF PROOF, TO INFER THAT "THE WORD 'PERSON,' AS USED IN THE FOURTEENTH AMENDMENT, DOES NOT INCLUDE THE UNBORN." THE UNIVERSAL WORDS "ANY PERSON," AS USED IN THE CONSTITUTION, DO INCLUDE THE UNBORN.

The Court used fabricated evidence in Roe v. Wade, and unconstitutional burdens of proof and persuasion, to infer "that the word 'person,' as used in the Fourteenth Amendment, does not include the unborn."

The evidence proves that the universal words "any person," as used in the Amendment, do include the unborn.

A.

The Court admitted that if the unborn were "a 'person,' within the language and meaning of the Fourteenth Amendment," then the case for a "liberty" to kill the unborn, as claimed in Roe v. Wade, "of course, collapses, for the fetus' right to life would then be guaranteed specifically by the Amendment." Roe v.Wade, 410 U.S. at 156-157.

B.

The terms of the Fourteenth Amendment ("nor shall any state deprive any person of life ... without due process of law") (emphasis added) are "universal in their application, to all persons ... without regard to any differences." Yick Wo v. Hopkins, 118 U.S. 356, 369 (1886). The universal words "any person" make no distinction between born and unborn persons, and on their face admit of no exceptions whatever. Thus, on their face, the universal words "any person" include the unborn, as everyone else.

C.

The holdings of Chief Justice John Marshall prove that the Supreme Court has no lawful power to construe an exception to universal terms, such as "any person," unless:

1. the Court can show that "the absurdity and injustice of applying the provision to the case, would be so monstrous, that all

mankind would, without hesitation, unite in rejecting the application";1 and

2. the Court can prove that "had this particular case been suggested [to the framers], the language would have been so varied, as to exclude it, or it would have been made a special exception."2

Chief Justice Marshall founded the universality of the Supreme Court's jurisdiction on these very rules.3

1./ Sturges v. Crowninshield, 4 Wheat. 122, 203 (1819). Before the Court can exclude the unborn from the universal words "any person," so they can be deliberately killed with impunity from criminal statutes, the Court must prove that including the unborn, within the universal terms "any person" would be "so monstrous, that all mankind would, without hesitation, unite in rejecting the application."

2./ Dartmouth College v. Woodward, 4 Wheat. 518, 644 (1819). The Court had to prove that if the case of the unborn had been suggested to the Framers, they would have changed the Amendment to read: "Nor shall any state deprive any person, except unborn persons, of life ... without due process of law."

3./ Cohen v. Virginia, 6 Wheat. 264, 378-380, 422-423 (1821).

The Court bore an extraordinary burden before it could imply an exception to the universal terms "any person" so millions of persons could be deliberately killed with impunity from criminal statutes.[4]

4./ The truth of this extraordinary burden can be demonstrated by applying it to various cases. Before the Court can imply an exception to the universal terms "any person," so that Jews could be deliberately killed with impunity from criminal laws, the Court would have to prove that "the absurdity and injustice" of including Jews within the universal terms "any person" would be "so monstrous, that all mankind would, without hesitation, unite in rejecting the application." Sturges v. Crowninshield, supra. And the Court must prove that if the case of the Jews had been suggested to the framers of the Fourteenth Amendment, "the language would have been so varied, as to exclude it." Dartmouth College v. Woodward, supra. The framers would have changed the Amendment to read: "No state shall deprive any person, except Jews, of life without due process of law."

These same burdens must apply to anyone whose personhood may be challenged, including the unborn. Thus, the Court bore the heaviest burden in constitutional interpretation in order to imply an exception to the universal terms "any person" so that millions of unborn children could be deliberately killed with impunity from positive criminal statutes.

The Supreme Court fabricated false evidence in Roe v. Wade to imply that "the word 'person,' as used in the Fourteenth Amendment, does not include the unborn."5

5./ SUMMARY OF FALSE EVIDENCE

When the Fourteenth Amendment was adopted in 1868, over three-fourths of the ratifying states had already enacted criminal statutes which made abortion at any stage of gestation a crime unless it were necessary to save the life of the mother or child. Within a few years, these statutes were universal.

In those few states still controlled by the common law on abortion, it is not possible to state with any assurance that the law was any different than in those states with abortion statutes. Some state supreme courts had ruled that the common law made abortion a crime throughout gestation. Mills v. Comm. 13 Pa. 631 (1850); State v. Slagle, 83 N.C. 544 (1880); State v. Reed, 45 Ark. 333 (1885). And those state supreme courts which ruled that abortion prior to quickening was not a common law crime were immediately overruled by their legislatures which made abortion at any stage of pregnancy a crime. Comm. v. Parker, 50 Mass. 263 (1845), was immediately overruled by Mass. Acts & Resolves ch. 27 (1845). State v. Cooper, 22 N.J.L. 52 (1849), was immediately overruled by N.J. Laws at 266 (1849). Abrahams v. Foshee, 3 Iowa 274 (1856) was overruled by the next legislature, Iowa Rev. Laws, tit. XXIII, ch. 165. art. 2, sec. 4221 (1860).

[continued on next page]

The people who framed and adopted the Fourteenth Amendment had already democratically defined the deliberate killing of the unborn to be a crime. The Supreme Court knew it could not imply an exception to the universal terms "any person" to decree "MASS EXTERMINATION, DEMOCRATICALLY DEFINED TO BE CRIMINAL, IS LIBERTY." So the Supreme Court fabricated evidence to make it appear that those 19th century abortion statutes were not intended

---

Any theory of a "liberty" to deliberately kill the unborn faced an impossible contradiction: How was it possible that the people who adopted the Fourteenth Amendment had enacted criminal statutes to protect the lives of the unborn, but at the same time, without a single word of explanation, intended to imply an exception to the universal terms "any person" so there would be a "liberty" to deliberately kill the unborn with impunity from their criminal statutes? This absurd contradiction wrecks Roe v. Wade.

To resolve this fatal contradiction, the Court fabricated the hypothesis that when the criminal abortion statutes were first enacted, the laws were not intended to protect the unborn life, but were only

to protect the lives of the unborn. The purpose of the falsification was to make it appear that this nation had always deemed abortion to be "liberty," and not crime. The Supreme Court perpetrated the Orwellian crime of falsifying the legal history of the United States to make criminal extermination appear to be "liberty."

If the Court had decreed it "liberty" to deliberately kill Jews, and fabricated evidence to make it appear that the

American people had always deemed it

---

intended to protect the mother. This hypothesis was falsely fabricated and used as follows:

A.

The Supreme Court first asserted, "When most criminal abortion laws were first enacted, the procedure was a hazardous one for the woman." Roe v. Wade, 410 U.S. at 148. This is asserted as fact.

The only authority cited by the Supreme Court to prove this assertion of fact was a 20th century medical history book, Haagensen and Lloyd, A Hundred Years of Medicine 19 (1943), cited in Roe v. Wade, supra, at 148 n. 43. But, this book merely described the hazards of major surgery in general prior to Lister's discovery of antiseptics. The book did not even mention

liberty, and not crime, to kill Jews, then it would rightly be condemned as murder. Judges might have greater sympathy for other victims, but changing the name of the victims from "Jew" to "unborn" will not change the legal result.

---

the abortion operation.

The 19th Century obstetric authorities throughout the Western world prove the Court's assertion of fact to be false.

These 19th century obstetric authorities, based on their own experience in performing abortion, and from hundreds of cases reported from around the world, declared in their obstetric textbooks that the abortion operation, the operation of artificially evacuating the fetus from the womb, was "perfectly safe" to the mother, 2 T. Denman, M.D., An Introduction to the Practice of Midwifery 96 (1802) (English physician); or "experience has proved that the dangers of the operation are reduced to a small matter," A.L.M. Velpeau, M.D., A Complete Treatise on Midwifery 530 (4th American ed. 1852); or "to the mother there is very little danger." H.L. Hodge, M.D., The Principles and Practice of Obstetrics 293 (1864)(American physician). The 19th century obstetric authorities prove the Supreme Court's assertion of fact to be false.

The Supreme Court never revealed the "hazardous" abortion "procedure" to which it was referring. Actually, the 19th

The lives of the unborn must be protected by the Fourteenth Amendment. The framers used the universal terms "any person," without any exceptions. And no exception may be implied. The people had already enacted criminal statutes to protect the

---

century physicians generally used the ancient method: "the membranes of the ovum are punctured," which permitted "the discharge of the waters," which induced the "action of the uterus" to "come on," which resulted in the expulsion of the fetus from the womb. 2 Denman, supra, at 99. One 19th century physician traced this operation back almost 2000 years. F. Ramsbotham, M.D., The Principles and Practice of Obstetric Medicine 724 (4th ed. 1856).

Consequently, the 19th century physicians were generally using an ancient abortion procedure which they described as not hazardous to the life of the woman.

The Supreme Court did not examine even one single 19th century obstetric textbook. And the medical textbooks prove its assertion of fact, "When most criminal abortion laws were first enacted, the procedure was a hazardous one for the woman," to be false.

Since abortion was not dangerous to the life of the mother, the only motivating purpose the abortion statutes could have had was to protect the lives of the unborn from destruction by abortion, even safe abortions by physicians. Had it been the purpose of the legislators to only protect

lives of the unborn. No court can imply an exception to the universal terms "any person" to decree: "MASS EXTERMINATION, DEMOCRATICALLY DEFINED TO BE CRIMINAL, IS LIBERTY." So the universal words "any person," as used in the Fourteenth Amendment, do include the unborn.

---

the mother, they would have only required abortions to be performed by physicians, which were known all over the western world to be safe to the mother.

B.

The Supreme Court next asserted: "Abortion mortality was high." Roe v. Wade, 410 U.S. at 149. This is asserted as fact.

The Supreme Court asserted "Abortion mortality was high" without any authority to support it. It is a naked assertion. The 19th century obstetric authorities prove this assertion of fact to be false. The medical authorities expressly asserted that the abortion operation was not hazardous to the life of the mother.

The purpose of this assertion is to go beyond the mere theory that abortion was hazardous to the mother, and imply that the carnage was so great as to call for legislation to protect mothers from the medical profession.

But the obstetric texts prove the Court's assertion, "Abortion mortality was high,"

E.

Not only are indispensable parts of the Supreme Court's evidence fabricated and false, but the Court also unconstitutionally reversed the burdens of proof and persuasion, as set out in the rulings of Chief Justice John Marshall.

---

to be a false statement of fact.

C.

Upon these two false assertion of fact, the Court falsely infers that "a State's real concern in enacting a criminal abortion law was to protect the pregnant woman, that is, to restrain her from submitting to a procedure that placed her life in serious jeopardy." Roe v. Wade, 410 U.S. at 149. This is a false inference, drawn from false assertions of fact.

Moreover, the 19th century treatises on criminal law state that these criminal abortion laws were intended to protect the lives of the unborn. 2 F. Wharton, A Treatise on the Criminal Law of the United States 200-203 (7th ed. 1874). There is none to the contrary. If the purpose of these laws had been to protect the mother, and not the child, these writers would certainly have noted it.

Since abortions by physicians were known all over the western world to be safe to the mother, the motivating purpose of these abortion laws could only have been to protect the lives of unborn children from

Instead of placing the burden on the advocates of the killings to prove that including the unborn within the universal terms "any person" would "be so monstrous, that all mankind would, without hesitation, unite in rejecting the application," the Court unconstitutionally reversed the burdens of proof and persuasion. The Court

---

destruction from abortions. That legislatures prohibited safe abortions by physicians, despite the great danger to the mother from abortions by criminals, shows their great respect for unborn life.

D.

From the false inference that the criminal abortion laws were not intended to protect the lives of the unborn, the Court falsely inferred that, likewise, the framers of the Fourteenth Amendment did not intend it to protect the lives of the unborn, "that the word 'person,' as used in the Fourteenth Amendment, does not include the unborn." Roe v. Wade, 410 U.S. at 158. This false conclusion is drawn from a false inference which is drawn from false facts.

Conclusion

The Supreme Court bore the burden of proving that the absurdity and injustice of including the unborn within the universal terms "any person" would be "so monstrous, that all mankind would, without hesitation, unite in rejecting the application." Sturges v. Crowninshield, supra. And the

placed the burden on the unborn to prove with "assurance" (which means to make certain and put beyond doubt) that they were persons within the universal words terms "any person," or the unborn would be excluded from the terms "any person" so they could be deliberately killed with impunity from criminal statutes.

The Court reversed the burdens of proof

Court had to prove that if the case of the unborn had been presented to the framers and adopters of the Fourteenth Amendment, "the language would have been so varied, as to exclude it." Dartmouth College v. Woodward, supra.

But, the Court could not cite even one 19th authority that expressly agreed with its conclusion that "the word 'person,' as used in the Fourteenth Amendment, does not include the unborn," much less one who asserted that there was a "liberty" to deliberately kill the unborn with impunity from criminal statutes.

The legal history demonstrates that the people did intend the Amendment to protect the unborn: they used universal language most appropriate for the purpose; and, the people had already enacted criminal abortion laws to protect the unborn in fact. The universal words "any person," as used in the Fourteenth Amendment, must include the unborn.

in the following manner:

First, the Court declared a "liberty" to deliberately kill the unborn with impunity from criminal statutes.[6]

Second, subsequently, the Court looked to see if the lives of the unborn were protected by the Fourteenth Amendment.[7]

Third, the purpose of first decreeing a "liberty" to deliberately kill the unborn, before the Court even looked to see if the lives of the unborn were protected by the Constitution, was to impose the "compelling state interest" test on the unborn. This placed a very heavy burden on the unborn

---

6./ Roe v. Wade, 410 U.S. at 153.

7./ Roe v. Wade, 410 U.S. at 156-157. The Court assumed the very thing which was to be proved by evidence. By the Court's own admission, if the lives of the unborn were protected by the Fourteenth Amendment, then the alleged "liberty" to kill the unborn "of course, collapses." But, the Court decreed a "liberty" to kill the unborn, before it even looked to see if their lives were protected by the Constitution. It is analogous to a court finding an accused to be guilty before it heard the evidence.

to prove that their right to life was protected by the Constitution.[8]

Fourth, the Court stated that the evidence did not prove "with any assurance" that the lives of the unborn were protected by the U.S. Constitution.[9] This confirms that the Court placed the burden on the unborn to prove with "assurance" that their lives are protected by the Constitution.

Finally, the Court ruled that the unborn had not met their burden of proof and the unborn could be deliberately killed with impunity from criminal statutes.

This process is analogous to a court first adjudging the accused in a criminal

---

8./ Roe v. Wade, 410 U.S. at 156. As its compelling state interest, Texas claimed that the lives of the unborn were protected by the Fourteenth Amendment, and that the purpose of their abortion statute was to protect the lives of the unborn. Thus, a heavy burden of proof was placed on the defenders of the abortion statute to prove that the universal words "any person," as used in the Fourteenth Amendment, do include the unborn.

9./ Roe v. Wade, 410 U.S. at 157.

case to be guilty, before it even heard the evidence, then placing the burden on the accused to prove himself innocent beyond a reasonable doubt, or be hanged.

The burdens used in Roe v. Wade are unconstitutional, and savagely criminal.

If the Court first decreed a "liberty" to kill Jews, and then placed the burden on the Jews to prove with "assurance" that their lives were protected by the U.S. Constitution, it would rightly be condemned as murder. Judges may have more sympathy for other victims, but changing the name of the victims being killed from "Jew" to "unborn" will not change the legal result.

Rather, under the rulings of Chief Justice Marshall, the burden was on the Court to prove with "assurance" that the unborn were not included within the universal terms "any person," or they would be included.

The evidence for the unborn is far

stronger than for other groups which the Court has judicially recognized to be included within the terms "any person."[11]

The U.S. Supreme Court has defied the express words "any person" in the Fourteenth Amendment, and their spirit,[12]

11./ The Court was so sure that "corporations" were included within the universal terms "any person" that it forbade any oral argument to the contrary. Santa Clara v. So. Pac. RR, 118 U.S. 394, 396 (1886). And the Court held that "strangers and aliens" were included within the terms "any person" by merely observing: "These provisions are universal in their application." Yick Wo v. Hopkins, supra, at 369. No evidence whatever was required.

12./ The uncontradicted scientific medical evidence in Roe v. Wade showed that the unborn child is "alive." The heart begins "pulsations at 24 days." And "brain waves have been noted at 43 days."

The Court has recognized that, while the Declaration of Independence is not law in itself, yet it is "the thought and the spirit, and it is always safe to read the letter of the Constitution in the spirit of the Declaration of Independence." Gulf, Colo. & S. Fe Ry v. Ellis, 165 U.S. 150, 159-160 (1896).

The undisputed scientific evidence proved that the unborn child has been "created" and thus endowed with an "unalienable" right to "life." Thus, the universal terms

and the plain intention of its framers and adopters,[13] and condemned to death millions of victims whom the Constitution of the United States endeavors to preserve.

The evidence proves that the universal words "any person," as used in the Fourteenth Amendment, do include the unborn.

And the universal words "any person," as used in the Fifth Amendment, must also

---

"any person," as used in the Amendment, must also include the unborn. The right to life of the unborn is guaranteed, not just by the spirit of the Declaration of Independence, but by the express words of the U.S. Constitution.

Roe v. Wade corrupted the Declaration of Independence to read: "All men are created equal,- except those created to be killed for the convenience of others."

13./ The people who adopted the Fourteenth Amendment not only used the express and universal terms (not "any person" could be deprived of life without due process of law) without any distinction between born or unborn life, but those people had already enacted criminal abortion statutes to protect the lives of the unborn in fact.

include the unborn.[14]

And the unborn are also protected from judicial extermination by 18 U.S.C. § 242.[15]

Since the U.S. Constitution is "the supreme law of the land," and its universal terms "any person," as used in the Fifth

---

14./ As the Court reasoned in Bolling v. Sharpe, 347 U.S. 497 (1954), if the Fourteenth Amendment prohibits racially segregated schools in the States, then it would be "unthinkable" that the Fifth Amendment permitted them in the District of Columbia. By the same reasoning, since the killings are prohibited in the states by the Fourteenth Amendment, it is "unthinkable" that the Fifth Amendment could permit them in the District of Columbia. Regardless of the evidence relevant to the Fifth Amendment, the purpose of a subsequent amendment is to amend. Hunter v. Underwood, __ U.S. __, 85 L Ed 2d 222, 231 (1985).

15./ The history of 18 U.S.C. § 242 shows that it was intended to protect all persons whose lives were guarded by the Fourteenth Amendment. Screws v. United States, 325 U.S. 91, 98 (1944). Since the universal words "any person," as used in the Fourteenth Amendment, do include the unborn, their lives are also protected by 18 U.S.C. § 242. "Even judges ... could be punished criminally for willful deprivations of constitutional rights on the strength of 18 U.S.C. § 242." Imbler v. Pachtman, 424 U.S. 409 (1976), 47 L Ed 2d 128, 142 (1976).

and Fourteenth Amendments, do indisputably include the unborn, it is also indisputable that Roe v. Wade is unconstitutional and void. Roe v. Wade is no law at all.

And any judge who follows Roe v. Wade, and permits the killings to continue, will be guilty of complicity in a national scheme of criminal extermination in violation of the Constitution and laws of the United States.[16]

16./ Since 18 U.S.C. § 242 protects the lives of the unborn from extermination by federal judges, any judge who willfully permits these Roe v. Wade killings to continue can be prosecuted for complicity in a national scheme of extermination, in violation of the Constitution and laws of the United States. And the death of each unborn child can be punished with life imprisonment. Since judges have willfully exterminated millions of victims by Roe v. Wade, judicial liability under this one statute is unparalleled in the legal history of the world.

III.

ROE v. WADE IS VOID BECAUSE THE SUPREME COURT USED UNCONSTITUTIONAL AND CRIMINAL PROCEDURES TO EFFECT AND MAINTAIN THE ROE v. WADE KILLINGS.

The Supreme Court willfully used unconstitutional procedures to effect the Roe v. Wade killings.[1]

1./ The Court willfully used the following unconstitutional procedures, despite objection, to effect Roe v. Wade:

A. Denial of Assistance of Counsel

Counsel did not especially represent the unborn in the District Court in Roe v. Wade. And the Supreme Court denied a request by an original party to allow counsel to especially represent the unborn in the Supreme Court. Thus, counsel did not represent the unborn at any stage of the original proceedings.

B. Denial of Prior Notice

The District Court did not even look to see if the lives of the unborn were protected by the U.S. Constitution; this question was argued for the first time after the case reached the Supreme Court. And the Supreme Court gave the parties no prior notice of the constitutional standards, or the burdens of proof, or the evidence, which the Court used to infer that the lives of the unborn were not protected by the Constitution. The first time the parties had notice was when Roe v. Wade was published, and the victims were already condemned to death. An original party objected that it lacked the prior notice needed to defend the unborn.

[continued on next page]

And the Supreme Court subsequently decided many abortion cases on the merits, but, despite objection that the process was unconstitutional and criminal, willfully used unconstitutional procedures to maintain the Roe v. Wade killings:

1. The Supreme Court willfully refuses to allow retained (no cost to taxpayers)

C. Secret Evidentiary Proceedings
The Court used some secret evidentiary process, not open to the parties, to find evidence to infer that the lives of the unborn were not protected by the U.S. Constitution. An original party objected that it had not had opportunity to cross-examine the Court's evidence in a judicial proceeding.

D. Denial of Right to Cross-Examine
An original party asked permission to cross-examine the evidence which the Court used to infer that the lives of the unborn were not protected by the Constitution. But the Supreme Court would not allow its evidence to be cross-examined.

E. Denial of Right to Present Evidence
An original party asked permission to present evidence under the new constitutional standards which it had not seen before to show that the lives of the unborn are protected by the Constitution. But the Court refused to allow it. And the killings commenced.

counsel to represent the victims being killed;[2]

2. The Supreme Court willfully refuses to allow its evidence in Roe v. Wade, which it used to infer that the lives of the unborn are not protected by the U.S. Constitution,

---

2./ Some of the cases are: Colautti v. Franklin, 439 U.S. 379, motion to allow counsel to represent the unborn denied 437 U.S. 902; Anders v. Floyd, 440 U.S. 445, motion to allow counsel to represent the unborn denied 439 U.S. 890; Bellotti v. Baird, 443 U.S. 622, motion to allow counsel to represent the unborn denied 439 U.S. 1065; Ashcroft v. Freiman, affirmed 440 U.S. 941, motion to allow counsel to represent the unborn denied, 440 U.S. 941; United States v. Zbaraz, 448 U.S. 358, motion to allow counsel to represent the unborn denied 444 U.S. 1030; Harris v. McRae, 448 U.S. 297, motion to allow counsel to represent the unborn denied 445 U.S. 941; H.L. v. Matheson, 450 U.S. 398, motion to allow counsel to represent the unborn denied 445 U.S. 959; Simopoulos v. Virginia, __ U.S. __, 76 L Ed 2d 755, motion to allow counsel to represent the unborn denied 73 L Ed 2d 1364; Planned Parenthood of Kansas City v. Ashcroft, __ U.S.__, 76 L Ed 2d 733, motion to allow counsel represent the unborn denied 73 L Ed 2d 1364; Akron Center for Reproductive Health v. Akron, 462 U.S. 416, motion to allow counsel to represent the unborn denied 73 L Ed 2d 1364.

to be confronted and cross-examined;[3]

3. The Supreme Court willfully refuses to allow evidence to be presented on behalf of the victims being killed to establish their right to life under the U.S. Constitution.[4]

The Supreme Court's own rulings on due process of law show these procedures to be unconstitutional.[5]

3./ See cases, supra note 2. The evidence in Roe v. Wade, used to infer that the lives of the unborn are not protected by the Constitution, has never been cross-examined, despite the charge that the Court fabricated its evidence.

4./ See cases, supra note 2.

5./ Even in civil proceedings, where crucial deprivations are threatened, such as loss of welfare, due process guarantees (1) prior notice of the factual and legal bases; (2) the right to be represented by counsel; (3) the right to confront and cross-examine adverse evidence; (4) the right to present evidence. Goldberg v. Kelly, 397 U.S. 254, 268-271 (1970); In Re Gault, 387 U.S. 1 (1967).

If the Constitution would not permit a court to condemn even one single Jew to death in a criminal case, but deny all these procedural rights, then neither can any court condemn any or all Jews in the United States to death, but deny all these procedural rights, by calling it a

Since the deprivation was willful, these procedures are also criminal.[6]

These are essentially the same procedures cited by the Nuremberg Court as part of the evidence to convict the Nazi judges of

---

civil proceeding, and decreeing that the lives of Jews are not protected by the U.S. Constitution, and it is "liberty" to deliberately kill Jews with impunity from criminal statutes.

If the process used to effect and maintain the Roe v. Wade killings, were used to decree it "liberty" to kill Jews, it would rightly be denounced as murder. But changing the names of the victims being killed, does not change the legal result.

Any victim is entitled to all the procedural protections described in Goldberg v. Kelly, supra, before any court can decree that the victim's life is not protected by the U.S. Constitution, and the victim can be deliberately killed with impunity from criminal statutes.

6./ "Even judges ... could be punished criminally for willful deprivations of constitutional rights." Imbler v. Pachtman, 424 U.S. 409 (1976). The deprivation was willful because the Court repeatedly denied all these procedural rights in the teeth of the objection that the denial was unconstitutional and criminal. Thus the deprivation of these procedural rights was criminal.

complicity in extermination and murder.[7]

If the Supreme Court had used these procedures to decree it "liberty" to deliberately kill Jews, it would rightly be condemned as murder. While judges may have more sympathy for another category of victims, changing the names of the victims from "Jew" to "Unborn" will not change the legal result.

Having decreed that "MASS MURDER IS LIBERTY," the Court now maintains the killings by criminally refusing to allow truth to work in its Court.

It is notorious that truth is not permitted to work in the proceedings in the U.S. Supreme Court, and that the Court

---

7./ "In many instances they were denied the right to introduce evidence, to be confronted by witnesses against them, or to present witnesses in their own behalf. They were ... denied the right of counsel of their own choice, and occasionally denied the aid of any counsel... (T)he accused learned only a few moments before the trial of the nature of the alleged crime for which he was to be tried." United States v. Altstoetter, supra, at 1046-47 (1951).

falsifies history to achieve its ends.[8]

The Supreme Court has made a murderous mockery of due process of law.

The use of these procedures, to exclude millions of victims from the protection of the U.S. Constitution, so they can be deliberately killed with impunity from criminal statutes, is unconstitutional, and makes Roe v. Wade void.

8./ "The Court... has flouted the will of the framers and substituted an interpretation in flat contradiction of the original design .... Such conduct impels one to conclude that the Justices are become a law unto themselves. ... It perilously resembles ... Hitlerism." R. Berger, Government by Judiciary: The Transformation of the Fourteenth Amendment 408, 412 (Harvard Univ. Press 1977).

"Court had adjourned in the real world.... (T)hey [the Justices] began to invent a country suited to their purposes.... They have falsified the American past ... and no one in charge seems prepared to do anything about it." T. Landers, To A Traditionalist, Mr. Ron Sounds So Good, The Wall Street Journal, editorial page, December 27, 1984.

IV.

DUE PROCESS OF LAW HAS COMPELLED THE U.S. SUPREME COURT TO CONFESS IN COURT THAT IT IS GUILTY OF CRIMINAL EXTERMINATION, INCLUDING MASS MURDER, AND TO ADMIT THAT ROE v. WADE, 410 U.S. 113 (1973), IS VOID.

For the 85th time, the U.S. Supreme Court is accused in its own court with criminally exterminating millions of victims in violation of the U.S. Constitution, and 18 U.S.C. § 242.[1]

For the 61th time, the U.S. Supreme Court is accused in its own court with mass murder in violation of state and federal statutes;[2]

For the 65th time, the U.S. Supreme Court is accused in it own Court of using unconstitutional and criminal procedures to effect and maintain the Roe v. Wade killings.[3]

But, the U.S. Supreme Court has never denied the charges, much less attempted to

---

1./ Charges based on evidence, supra p. 3.

2./ Charges based on evidence, supra p. 18.

3./ Charges based on evidence, supra p. 38.

prove the charges to be false.

These facts are unparalleled in the legal history of the world.

Under this Court's own rulings, its silence year after year, while the victims are being killed, is an admission that the charges are true.[4]

> "Failure to contest an assertion, however, is considered evidence of

---

4./ Under "the tacit confession rule," McCormick on Evidence, § 161, 270, failure to deny a charge is tantamount to a confession that the charge is true. Also 4 Wigmore, Evidence, § 1071-1072 (Chadborn rev. 1972). "Underlying the rule is the assumption that human nature prompts an innocent man to deny false accusations and consequently a failure to deny a particular accusation tends to prove belief in the truth of the accusation." McCormick, supra, § 161. The Supreme Court has consistently affirmed this rule. "(T)he Court has consistently recognized that ... silence in the face of accusation is a relevant fact.... Silence is often evidence of the most persuasive character." Baxter v. Palmigiano, 425 U.S. 308, 319 (1976). And the rule is ancient. As Socrates cross-examined at his trial over 2000 years ago: "you are silent and have nothing to say. But is this not rather disgraceful, and a very considerable proof of what I was saying?" "I may assume that your silence gives consent." Apology in Plato 41, 45 (Jowett transl. 1942).

> acquiescence only if it would have been natural under the circumstances to object to the assertion in question." United States v. Hale, 422 U.S. 171, 176 (1975).

The circumstances leave no doubt that due process of law has compelled the U.S. Supreme Court to confess that the charges are true, and that Roe v. Wade is void.

First, the evidence makes it clear as daylight why the Court is silent in the face of the charges: the charges are proved to be true.[5] No denial is possible.

Second, the charges were made in cases filed pursuant to the Constitution and laws of the United States. The judges had a legal duty to attend to allegations that Roe v. Wade was wrongly decided:

> "(I)ts opinion upon the construction of the Constitution is always open to discussion when it is supposed to have been founded in error, and that its

---

5./ The Supreme Court decreed killings to be "liberty" which the people had democratically defined to be "murder." This is mere historical fact; no denial is possible. The decree that "Mass Murder is Liberty" is the ultimate lawless act.

judicial authority should hereafter depend altogether on the force of the reasoning by which it is supported." The Passenger Cases, 7 How. 282, 470 (1849).

In view of their oath, when judges "close their eyes on the Constitution", and "condemn to death those victims whom the Constitution endeavors to preserve," it is worse than solemn mockery, it is "crime."[6]

6./ Marbury v. Madison, 1 Cranch 137, 179-180 (1803). Chief Justice John Marshall wrote that for judges to swear to support the Constitution as the supreme law of the land, but then "close their eyes on the constitution," and "condemn to death those victims whom the Constitution endeavored to preserve" was worse than "solemn mockery," it is a "crime."

Where there is an affirmative duty to act, the deliberate omission to do that duty, which results in death to others, can be prosecuted as homicide. Perkins, Criminal Law 604 (2nd ed. 1969).

The only Nazi to plea guilty at Nuremberg cited this law. When he was warned of Auschwitz, Speer wrote that "I did not investigate - for I did not want to know what was happening there.... [F]rom fear of discovering something which might have made me turn from my course, I closed my eyes." A. Speer, Inside the Third Reich 375-76 (1970). This "deliberate blindness" was complicity in criminal extermination.

Federal judges are guilty of crime when

Third, the Court's steadfast silence, year after year, in the face of the scores of accusations that it is guilty of mass murder, is unparalleled in the legal history of the world, and it is the very circumstance which the Court itself has cited as making confession by silence more trustworthy.[7]

Fourth, not only has the Court's silence persisted in the face of repeated accusations, but the Court's silence has persisted even in the teeth of warnings that under its own rulings, its silence in the face of the charges was being taken as an admission that the charges are true, and

---

they close their eyes on the evidence, and permit victims to be executed, whom the Constitution endeavors to preserve.

7/ Concerning the Court's continuing silence year after year: "Silence gains more probative weight where it persists in the face of accusation, since it is assumed in such circumstances that the accused would be more likely than not to dispute an untrue accusation." United States v. Hale, 422 U.S. 171, 176 (1975).

Roe v. Wade is a mistake of law.[8]

Fifth, the charges described the most corrupt judicial system which the human mind can imagine, that:

(1) judges had criminally exterminated millions of children in violation of the Constitution and laws of the United States, and of the States;

(2) the United States was being ruled over by a tribunal of murderers;

(3) due process had compelled the tribunal of murderers to confess in its own court to guilt of mass murder; and

(4) the tribunal of murderers was maintaining its murders by keeping truth from working in the courts of the United States.

8./ "THE U.S. SUPREME COURT HAS CONFESSED IN COURT TO GUILT OF CRIMINAL EXTERMINATION, INCLUDING MASS MURDER, AND THIS IS THE LEGAL EQUIVALENT OF THE EXPRESS OVERRULING OF ROE v. WADE." Amicus curiae brief by the Legal Defense Fund For Unborn Children, filed in Akron v. Akron Center for Reproductive Health, 462 U.S. 416 (1983).

Never in the legal history of the world was it more imperative to deny charges if they were untrue.

Thus, when judges, under solemn legal duty to uphold the law, are accused of mass murder in their own court year after year, and the evidence is laid out in court, and pictures of the dead are shown to the judges, but year after year, while the victims are being killed, the judges do not deny the charge, much less attempt to prove it false, then not only a 2000 year old law of evidence, but the solemn legal duty imposed by a government of laws, condemns this silence as a confession that the charge is true; and their decree is void.

The immediate practical result is that due process has compelled the U.S. Supreme Court to admit that Roe v. Wade is a mistake of law. Truth has worked in the U.S. Supreme Court in the only manner in which it was permitted to work. Under our

government of laws, the Supreme Court was met in court with the truth, and due process has compelled the Court to admit, in the most emphatic manner which the human mind can imagine, that Roe v. Wade is void.

Any judge of the United States who closes his eyes on these facts, unparalleled in the legal history of the world, and permits the Roe v. Wade killings to continue, knows he is guilty of complicity in criminal extermination, including mass murder, in violation of the Constitution and laws of the United States, and of the States.[9]

9./ The Supreme Court asserted to legalize killings which had been defined as criminal by positive statutes. Since Roe v. Wade is a mistake of law, all the killings since 1973 can be criminally prosecuted. The ex post facto provisions of the Constitution do not apply to judicial decisions which are a mistake of law. Ross v. Oregon, 227 U.S. 150, 161 (1913). The general rule is that mistake of law is no excuse for breaking the law. R. Perkins, Criminal Law 920 (2d ed. 1969). The limited affirmative defense of reasonable reliance on an official judicial opinion, thereafter determined to be a mistake of law, does not

In the face of facts unparalleled in the legal history of the world, our government of laws will permit only one conclusion: the U.S. Supreme Court was met in court with the truth, and due process

---

apply to homicide cases. Model Penal Code, Tentative Draft No. 4, Comments Sec. 2.04, page 138. Perkins, supra, at 928.

Thus, the law applied at Nuremberg applies to this case. Obedience to the unlawful orders of judicial superiors is no excuse for complicity in criminal extermination. United States v. Altstoetter, supra, at 983-985 (1951).

The Nuremberg court described how "the supreme judge" of Nazi Germany had decreed criminal killings to be legal. At Nuremberg, the Nazi judges claimed that they could not be held accountable for complicity in extermination and murder, because they were bound to obey the decrees of "the supreme judge." But the Nuremberg court rejected that defense since obedience to the orders of superior judges is no defense in homicide cases: "The dagger of the assassin was concealed beneath the robe of the jurist." United States v. Altstoetter, supra, at 985.

To illustrate the true status of Roe v. Wade, suppose a lawyer had accused "the supreme judge" of Nazi Germany of mass murder 50 times in court, but the "supreme judge" never denied the charge, much less attempted to prove it false, and permitted the killings to continue. Could any court,

of law compelled the Supreme Court to admit, in the most emphatic manner which the human mind can imagine, that Roe v. Wade is unconstitutional and void.

---

called upon to try the Nazi judges for complicity in murder, have permitted those judges the defense that the silence of "the supreme judge" proved that the killings were lawful? That such silence proved the Nazi judges could permit the killings to continue without question? This is too criminally monstrous for any sane person to dare to insist upon.

The law makes a mortal distinction between killing and not killing which no judge can safely ignore:

1. Any judge who stops the Roe v. Wade killings, and makes a mistake of law, can only be overruled on appeal;
2. But any judge who allows the killings to continue, despite the objection that the Supreme Court decreed "Mass Murder Is Liberty," and makes a mistake of law, can be prosecuted for complicity in mass murder, and be sentenced to death.

The law of capital murder is a hard school, where lessons are taught only one time, and mistakes of law are not forgiven.

Due process has compelled the Supreme Court to overrule Roe v. Wade. Any judge who elects to ignore the facts and take part in a national scheme to mass murder little children, rather than to allow truth to work in court, must deliberately hazard the death penalty. Many states still punish mass murder with the death penalty.

CONCLUSION

The amicus demands that the Court expressly overrule Roe v. Wade, and stop the killings which it perpetrated.

Due process of law has already compelled the U.S. Supreme Court to admit that Roe v. Wade, 410 U.S. 113 (1973), is void.

The U.S. Supreme Court has perpetrated one of the giant criminal exterminations in the peacetime history of the world.

Since the limited affirmative defense of reasonable reliance on an official judicial decision, thereafter determined to be a mistake of law, does not apply to homicide cases, the court should expressly overrule Roe v. Wade, not only to stop the killings, but also to protect unsuspecting persons from taking part in murder and criminal extermination, and sharing the Court's awesome criminal liability.

_____

Alan Ernest, Counsel

A 1

The photograph, supra A-1, shows a second stage abortion by prostaglandin. Such abortions not uncommonly result in the child being born alive.[1] This Court would be guilty of murder for such killing. There have been thousands of such killings under Roe v. Wade; and witnesses live to tell.

If the child were born dead, the Court would be guilty of criminal extermination.[2]

As the Court studies the face of this victim of Roe v. Wade, let it contemplate that a government of laws shall be restored, and call the killers to account.

1./ Floyd v. Anders, 440 F. Supp. 535, 538 (1977). There are about 140,000 second stage abortions each year. All the common second stage abortion techniques - hysterotomy, prostaglandin, and even salt poisoning - can result in the child being born alive. Jefferies and Edmonds, Abortion: The Dreaded Complication, The Philadelphia Inquirer, August 2, 1981.

2./ Since the universal words "any person," as used in the Fifth and Fourteenth Amendments, do include the unborn, their lives are also protected from judicial extermination by 18 U.S.C. (242.